

Docket No.
068856/221
HMG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald J. Urbas, David Ellwood, Eric B. Weddington
Serial No. : New Application
Filed : Concurrently Herewith
Title : IMPLANTABLE INDUCTIVELY PROGRAMMED
TEMPERATURE SENSING TRANSPONDER

**DECLARATION CLAIMING SMALL ENTITY STATUS
UNDER 37 C.F.R. 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

BIO MEDIC DATA SYSTEMS, INC.
One Silas Road
Seaford, Delaware 19973

I hereby declare that the above identified concern qualifies as a small business concern as defined in 37 C.F.R. §§ 121.801 through 121.805, in accordance with 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a), (b) and (h) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement:

(1) In calculating the number of employees of the business concern: (a) the average numbers of employees is used (including employees of domestic and foreign a

affiliates) based upon numbers of employees for each of the pay periods for the preceding completed 12 calendar months; (b) part-time and temporary employees are counted the same as full-time employees; (c) if the concern has not been in business for 12 months, the average number of employees is used for each of the pay periods during which it has been in business; and (d) the treatment of employees of former affiliates or recently acquired affiliates is the same as for size determinations using annual receipts under 13 C.F.R. § 121.104(d); and

(2) Concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled IMPLANTABLE INDUCTIVELY PROGRAMMED TEMPERATURE SENSING TRANSPONDER by inventors Donald J. Urbas, David Ellwood and Eric B. Weddington, as filed concurrently herewith.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

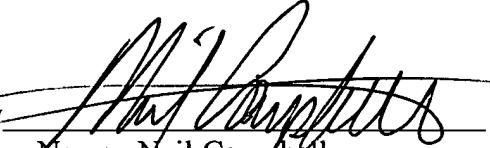
No such person, concern or organization.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein or my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

BIO MEDIC DATA SYSTEMS, INC.

, 1999

By 

Name: Neil Campbell

Title: President

Please type a plus sign (+) inside the box →

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY
OR DESIGN PATENT
APPLICATION (37 CFR 1.3)**

Declaration Submitted with initial Filing OR Declaration Submitted After initial Filing (surcharge (37 CFR 1.6(e)) required

Attorney Docket Number	068856/221
First Named Inventor	Donald J. Urbas
<i>COMPLETE IF KNOWN</i>	
Application Number	New Application
Filing Date	Concurrently Herewith
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPLANTABLE INDUCTIVELY PROGRAMMED
TEMPERATURE SENSING TRANSPONDER**

the specification of which

is attached hereto

(*Title of the Invention*)

OR

was filed on

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY) _____

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached YES	Certified Copy Attached NO
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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Burden Hour Statement: This form is estimated take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commissioner for Patents, Washington, DC 20231.

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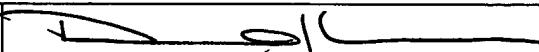
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DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)					
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.							
As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: <input type="checkbox"/> Customer Number <input type="text"/> → <input type="text"/> <i>OR</i> <input checked="" type="checkbox"/> Registered practitioner(s) name/registration number listed below.							
Name	Registration Number	Name	Registration Number				
Lawrence Rosenthal Steven B. Pokotilow Howard M. Gitten Matthew W. Siegal	24,377 26,405 32,138 32,941						
<input type="checkbox"/> Additional registered practitioner(s) named on supplemental registered Practitioner Information sheet PTO/SB/02C attached hereto.							
Direct all correspondence to : <input type="checkbox"/> Customer Number <input type="text"/> <input type="checkbox"/> Correspondence address below or Bar Code Label							
Name	STROOCK & STROOCK & LAVAN LLP						
Address	180 Maiden Lane						
Address							
City	New York	State	New York	ZIP	10038		
Country	US	Telephone	(212) 806-5400	Fax	(212) 806-6006		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
Name of Sole or First Inventor		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])			Family Name or Surname				
Donald J.			Urbas				
Inventor's Signature					2-3-00 Date		
Residence: City	Evergreen	State	CO	Country	U.S.	Citizenship	U.S.
Post Office Address							
Post Office Address	31182 Island Drive						
City	Evergreen	State	CO	Zip	80439	Country	U.S.
<input checked="" type="checkbox"/> Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto							

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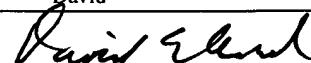
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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet Page 3 of 3	
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Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name(first and middle [if any])		Family Name or Surname				
David		Ellwood				
Inventor's Signature						2/3/00 Date
Residence: City	Lake Wood	State	CO	Country	U.S.	Citizenship
Post Office Address						
Post Office Address	265B West Kentucky Drive 580 S. Field Ct.					
City	Lake Wood	State	CO	ZIP	80226	U.S.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name(first and middle [if any])		Family Name or Surname				
Eric B.		Weddington				
Inventor's Signature						00-02-03 Date
Residence: City	Evergreen	State	CO	Country	U.S.	Citizenship
Post Office Address						
Post Office Address	6471 Arapahoe Drive					
City	Evergreen	State	CO	ZIP	80439	U.S.
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name(first and middle [if any])		Family Name or Surname				
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Post Office Address						
Post Office Address						
City		State		ZIP		Country

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